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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,839	03/10/2004	John R. Blake	47171-00390USPT	5664
41230 7590 03/03/2008 CUMMINS-ALLISON CORP. C/O NIXON PEABODY LLP 161 N. CLARK ST., 48TH FLOOR CHICAGO, IL 60601				
EXAMINER				
MCCLAIN, GERALD				
ART UNIT		PAPER NUMBER		
3653				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,839

**Applicant(s)**

BLAKE ET AL.

**Examiner**

GERALD W. MCCLAIN

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-16, 25-27, 30, 31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 25-27, 30, 31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 January 2008 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the original claims and specification, it was not specified that the door was "only" moved "subsequent to the opening of the door of the housing". There may be other causes of the movement such as tipping the apparatus.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 26, line 4 (including line through), it is unclear if there are or not other mechanisms for opening the door.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hino, et al. (US 2002/0162724) ("Hino").

Claim 1: housing (See FIG. 2, 110); coin sorter (S); input hopper (112); rotatable disk (2); stationary head (1); lower surface ([0137]); shaped regions (10); exit channels (8a to 8c); coin receptacle station (120); coin receptacles (124a to 124j); first position (FIG. 2); second position (FIG. 4); manifold (location of 152); coin paths (152); dampening mechanism (See FIG. 4 below, C & 122a and 122b);

Claim 2: casters (122b);

Claim 4: dampening mechanism (See FIG. 4 below, C and 122a); coin receptacle station (120); first end (See FIG. 4 below, C); housing (110); second end (See FIG. 4 below, Back Side (opposite Front Side) of 122a).

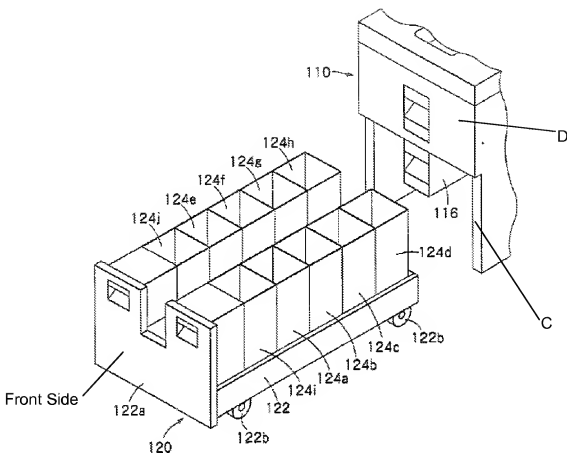


FIG. 4

### ***Claim Rejections - 35 USC § 103***

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above. Hino does not directly show coin bags or coin bag holders.

Jones shows a similar device having a coin bags (52) and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28). Therefore, it would have been obvious to a person having ordinary skill in the art

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at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags and coin bag holders for the purpose of holding the sorted coins of a specific denomination.

Claim 5, 7-9, 25, 27, and 33-34, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968). Hino discloses:

Claim 5: housing (See FIG. 2, 110); coin processing device (inside 110); coin processing unit (S); coin receptacles (124a to 124j); coin receptacle station (120); moveable platforms (122); first position (FIG. 2); second position (FIG. 4);

Claim 7: coin processing unit (S); disk-type coin sorter (S); exit channels (8a to 8c);

Claim 8: manifold (location of 152); coin paths (152); exit channels (8a to 8c); coin receptacles (124a to 124j);

Claim 9: coin receptacles (124a to 124j); coin bins (124a to 124j);

Claim 25: receiving a plurality of coins of a plurality of denominations to be sorted (112; paragraph [0135]);

sorting the plurality of coins according to denomination with the coin sorting unit (S; paragraph [0130]);

directing (10) sorted coins to the plurality of coin receptacles (124a to 124j), each coin receptacle containing coins of a single denomination (paragraphs [0131] to [0134]);

sliding (122) one of the coin-receptacle platforms bearing at least one coin receptacle along the track from the first position (FIG. 2) to the second position (FIG. 4) for accessing at least one the coin receptacle borne thereby (paragraph [0136]);

removing (paragraph [0136]) coins from the at least one coin receptacle while the moveable coin receptacle platform is in the second position; and

sliding the moveable coin receptacle platform from the second position to the first position along the track (122);

Claim 27: housing (See FIG. 2, 110); coin processing device (inside 110); coin sorting unit (S); coin receptacle area (area taken by 120); coin receptacle station (120); coin receptacles (124a to 124j); moveable platforms (122); first position (FIG. 2); second position (FIG. 5); moveable coin bin (the enclosed space of 124a to 124j); interior (the enclosed space of 124a to 124j)

Claim 33: moveable platforms (122); mating profile (122)

Claim 34: the moveable platforms (122) is *capable of* being cantilevered.

Hino does not directly disclose a *plurality* of individual moveable platforms or a track (a rectangle is a type of trapezoid).

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (see FIG. G1 below, T1) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

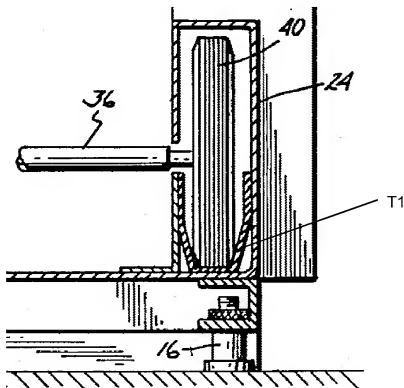


FIG. G1

Claim 14-16 and 26, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968) and



further in view of Siemens (US 2002/0011393). Hino discloses all the limitations of the claims as discussed above and the following.

Claim 14: housing (See FIG. 2, 110); open position (FIG. 4); closed position (FIG. 2); moveable platform (122);

Claim 15: rear side (See FIG. 4 below, D); housing (See FIG. 2, 110);

Claim 16: front side (See FIG. 4 below, D; Note: the location of D can be defined as the rear or front side); housing (See FIG. 2, 110);

Claim 26: moving only subsequent to opening of the door of the housing, a coin receptacle platform from the first position to the second position (paragraph [0136]); Hino does not directly show a moveable platform (122 of Hino) that moves relative to a door.

Siemens shows a similar device having a moveable platform (122 of Hino) that moves relative to a door (see FIG. 4, 30) for the purpose of providing convenient and secure access for authorized removal (paragraph [0011]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Siemens and include Siemens's similar device having a moveable platform that moves relative to a door for the purpose of providing convenient and secure access for authorized removal.

Claims 10, 12-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones, et al. (US 6,318,537) ("Jones"). Hino teaches all the limitations of the claims as discussed above.

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Hino does not directly show a *plurality* of individual moveable platforms, a track, coin bags, or coin bag holders.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (T1 above) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, and coin bag holders for the purpose of holding the sorted coins of a specific denomination, respectively.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Muellner and further in view of Jones. Hino teaches all the limitations of the claims as discussed above. Hino does not directly show a *plurality* of

individual moveable platforms, a track, coin bags, coin bag holders, or a coin bag partition.

However, the mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 (VI) (B). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino and include a *plurality* of individual moveable platforms for the purpose of providing more receiving space.

Muellner shows a similar device having a track (T1 above) for the purpose of receiving and capturing the casters (column 2, lines 57-66). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters.

Jones shows a similar device having a coin bags (52), coin bag holders (58), and a coin bag partition (44) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28) and sorting coins of various denominations (column 2, lines 25-28), respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones' similar device having a coin bags, coin bag holders, and a coin bag partition for the purpose of holding the sorted coins of a specific denomination and sorting coins of various denominations, respectively.

***Response to Arguments***

Regarding the rejections under 35 USC § 102 and 103, the Applicant's remarks will be addressed per Applicant's **Remarks** sections.

I. Rejections under 35 USC § 102

In the closing movement, C & 122a create a damping force at the *end* of the movement (Note: the *entire* movement was not claimed). For the opening movement, either the (1) operator or some other structure that stops the movement generates damping force at the *end* of the movement or (2) the wheels 122b create friction, or a dampening force during the entire movement. Further, the sides of the interior of 110 and the outside rail of 122 are capable of producing friction, or dampening force during the movement. (Argument B)

II. Rejections under 35 USC § 103

See Argument B.

III. Rejections under 35 USC § 103

A. Claims 5-16 (among which some Claims are cancelled)

Regarding the track T1 above, note that it is applied directly under the wheels of Hino. Therefore, 122 is directly over the track and wheels (See FIG. 3 of Hino, 122).

The wheels "are configured to" roll and slide. Consider that the friction between the wheel and wheel axle may be great from a heavy load on a moveable platform. This would cause the wheels to seize and would require the wheels to slide.

Further, the *wheels are not claimed to slide*, the **moveable platform is**. As can be seen in FIG. 4 of Hino, 122 slides into the compartment of 110. (Argument C)

Regarding the use of MPEP 2144.04 (VI) (B), Applicant states, "The court stated that '[i]t is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced, and we are of the opinion that such is not the case here.' Id."

The duplication of parts here does not produce a "new and unexpected result" from the duplication. MPEP 2144.04 (VI) (B) is correctly cited to show that a "mere duplication of parts" is obvious since it involves only routine skill in the art. Multiple moveable platforms together in one unit do not function differently than multiple individual platforms provided side by side. (Argument A)

B. Claims 14-16

The claims have been newly rejected above to address the relative movement.

C. Claims 25-27

The claims have been newly rejected above to address the relative movement.

IV. Rejections under 35 USC § 103

Regarding the duplication of parts, see Argument A above.

Applicant states, "The mere fact that references can be combined or modified does not itself render the resultant combination obvious."

Examiner provided a motivation for the combination that renders it obvious.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is

(571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain  
Examiner  
Art Unit 3653

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
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